

Amendment No. 1 to SB2684

Lundberg  
Signature of Sponsor

**AMEND Senate Bill No. 2684**

**House Bill No. 2673\***

by deleting all language after the caption and substituting instead the following:

WHEREAS, Title VI of the Civil Rights Act of 1964 (Title VI) is one of the principal antidiscrimination statutes enforced by the federal Department of Education's Office for Civil Rights; and

WHEREAS, Title VI prohibits discrimination on the basis of race, color, or national origin; and

WHEREAS, both the Department of Justice and the federal Department of Education have properly concluded that Title VI prohibits discrimination against Jews, Muslims, Sikhs, and members of other religious groups when the discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics or when the discrimination is based on actual or perceived citizenship or residence in a country whose residents share a dominant religion or a distinct religious identity; and

WHEREAS, anti-Semitism remains a persistent, disturbing problem in elementary and secondary schools and on college campuses; and

WHEREAS, Jewish students are being threatened, harassed, or intimidated in their schools on the basis of their shared ancestry or ethnic characteristics, which includes harassing conduct that creates a hostile environment so severe, pervasive, or persistent so as to interfere with or limit some students' ability to participate in or benefit from the services, activities, or opportunities offered by schools; and

WHEREAS, awareness of the federal definition of anti-Semitism will increase understanding of the parameters of contemporary anti-Jewish conduct and will assist the

Tennessee Department of Education, LEAs, and institutions of higher education in determining whether an investigation of anti-Semitism under Title VI is warranted; now, therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a)

(1) As used in this section, "anti-Semitism" is a certain perception of Jews that may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals or property, Jewish community institutions, and Jewish religious facilities.

(2) The definition of "anti-Semitism" is the same as that used in the fact sheet issued by the United States department of state on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism.

(b)

(1) Examples of anti-Semitism include, but are not limited to:

(A) Calling for, aiding, or justifying the killing or harming of Jews, which may be demonstrated in the name of a radical ideology or an extremist view of religion;

(B) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews, such as the power of Jews collectively, including, but not limited to, myths of a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions;

(C) Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or for acts committed by non-Jews;

(D) Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust; and

(E) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of the Jewish citizens' own nations.

(2) The examples provided in subdivision (b)(1) are the same as the examples that appear under the heading "Contemporary Examples of Anti-Semitism" in the fact sheet issued by the United States department of state on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism.

(c)

(1) Examples of ways, taking into account the overall context, in which anti-Semitism is manifested with regard to the State of Israel, including, but not limited to:

(A) Demonization of Israel by:

(i) Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis;

(ii) Drawing comparisons of contemporary Israeli policy to that of the Nazis; or

(iii) Blaming Israel for all interreligious or political tensions;

(B) Setting double standards for Israel by:

(i) Requiring Israel to exhibit a behavior that is not expected or demanded of any other democratic nation; or

(ii) Focusing, by multilateral organizations, on Israel only for peace or human rights investigations; and

(C) Delegitimizing Israel by denying the Jewish people the right to self-determination, and denying Israel the right to exist. Criticism of Israel

similar to that leveled against any other country cannot be regarded as anti-Semitic.

(2) The examples provided in subdivision (c)(1) are the same as the examples that appear under the heading "What is Anti-Semitism Relative to Israel?" in the fact sheet issued by the United States department of state on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism.

(d)

(1) It is the education policy of this state that all discriminatory acts and practices committed against individuals or institutions based on the individual's or institution's Jewish religious practices or on the tenets of the Jewish religion, shared Jewish ancestry, or Jewish ethnic characteristics are prohibited and banned in all kindergarten through grade twelve (K-12) schools.

(2)

(A) A person who alleges that their civil rights have been violated by a discriminatory anti-Semitic act or practice that occurred on the premises of a public school serving any of the grades kindergarten through twelve (K-12), or through electronic outreach from a public school serving any of the grades kindergarten through twelve (K-12), may file a complaint regarding the act or practice. The complaint must be filed with the respective LEA and must allege the commission of an anti-Semitic discriminatory act or practice. The LEA shall investigate the complaint in a timely manner and determine whether the act or practice occurred, and if so, by whom it was perpetrated, and whether it was discriminatory. To determine whether the act or practice was a discriminatory act or practice of anti-Semitism or motivated by anti-Semitic intent, the LEAs shall take into consideration the definition and examples of anti-Semitism provided

in this section. Each LEA shall complete its determination within ninety (90) days of the LEA's receipt of the initial complaint.

(B) Each LEA shall submit an annual report to the department of education regarding the investigation, disposition, and determination of a complaint filed with the LEA during the school year immediately preceding the date on which the report is submitted to the department alleging that a discriminatory anti-Semitic act or practice was committed in violation of this section. The department shall determine when the report required under this subdivision (d)(2)(B) is due to the department.

(3) This section does not prohibit the discussion of, or the use of textbooks or instructional materials regarding, the history of Jews, Judaism, or the State of Israel, that is part of a larger course of academic instruction.

(e) This section does not diminish or infringe upon any right protected under the Constitution of Tennessee, Article I, § 3, or the First Amendment to the Constitution of the United States.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a)

(1) As used in this section, "anti-Semitism" is a certain perception of Jews that may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals or property, Jewish community institutions, and Jewish religious facilities.

(2) The definition of "anti-Semitism" is the same as that used in the fact sheet issued by the United States department of state on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism.

(b)

(1) Examples of anti-Semitism include, but are not limited to:

(A) Calling for, aiding, or justifying the killing or harming of Jews, which may be demonstrated in the name of a radical ideology or an extremist view of religion;

(B) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews, such as the power of Jews collectively, including, but not limited to, myths of a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions;

(C) Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or for acts committed by non-Jews;

(D) Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust; and

(E) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of the Jewish citizens' own nations.

(2) The examples provided in subdivision (b)(1) are the same as the examples that appear under the heading "Contemporary Examples of Anti-Semitism" in the fact sheet issued by the United States department of state on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism.

(c)

(1) Examples of ways, taking into account the overall context, in which anti-Semitism is manifested with regard to the State of Israel, including, but not limited to:

(A) Demonization of Israel by:

(i) Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis;

(ii) Drawing comparisons of contemporary Israeli policy to that of the Nazis; or

(iii) Blaming Israel for all interreligious or political tensions;

(B) Setting double standards for Israel by:

(i) Requiring Israel to exhibit a behavior that is not expected or demanded of any other democratic nation; or

(ii) Focusing, by multilateral organizations, on Israel only for peace or human rights investigations; and

(C) Delegitimizing Israel by denying the Jewish people the right to self-determination, and denying Israel the right to exist. Criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.

(2) The examples provided in subdivision (c)(1) are the same as the examples that appear under the heading "What is Anti-Semitism Relative to Israel?" in the fact sheet issued by the United States department of state on June 8, 2010, by the Special Envoy to Monitor and Combat Anti-Semitism.

(d)

(1) It is the education policy of this state that all discriminatory acts and practices committed against individuals or institutions based on the individual's or institution's Jewish religious practices or on the tenets of the Jewish religion, shared Jewish ancestry, or Jewish ethnic characteristics are prohibited and banned in all institutions of higher education within this state.

(2)

(A) A person who alleges that their civil rights have been violated by a discriminatory anti-Semitic act or practice that occurred on the

premises of an institution of higher education located in this state, or through electronic outreach from an institution of higher education located in this state, may file a complaint regarding the act or practice. The complaint must be filed with the respective institution and must allege the commission of an anti-Semitic discriminatory act or practice. The institution shall investigate the complaint in a timely manner and determine whether the act or practice occurred, and if so, by whom it was perpetrated, and whether it was discriminatory. To determine whether the act or practice was a discriminatory act or practice of anti-Semitism or motivated by anti-Semitic intent, the institution shall take into consideration the definition and examples of anti-Semitism provided in this section. Each institution shall complete its determination within ninety (90) days of the institution's receipt of the initial complaint.

(B) Each public institution of higher education shall submit a report to the education committee of the senate and the education administration committee of the house of representatives regarding the investigation, disposition, and determination of a complaint filed with the institution during the academic year immediately preceding the date on which the report is submitted alleging that a discriminatory anti-Semitic act or practice was committed in violation of this section. The report required under this subdivision (d)(2)(B) must be submitted to the education committees by July 1, 2022, and by each July 1 thereafter.

(3) This section does not prohibit the discussion of, or the use of textbooks or instructional materials regarding, the history of Jews, Judaism, or the State of Israel, that is part of a larger course of academic instruction.

(e) This section does not diminish or infringe upon any right protected under the Constitution of Tennessee, Article I, § 3, or the First Amendment to the Constitution of the United States.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.